

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

PLAINTIFFS' MOTION FOR SANCTIONS

Pursuant to Fed. R. Civ. P. 37 and E.D. Va. Local Rule 37, Plaintiffs hereby move for an order: (1) finding that Cox has failed to comply with this Court's February 15, 2019 order to produce billing information attributable to each Cox subscriber who was the subject of a copyright infringement notice sent on Plaintiffs' behalf; (2) ordering Cox to produce the compelled billing information within two days of an Order, or show cause why it cannot do so, (3) extending Plaintiffs deadline to serve a financial expert report to April 24, 2019; (4) requiring Cox to provide Rule 30(b)(6) deposition testimony on financial issues no earlier than four business days after it produces the discovery at issue here; (5) paying Plaintiffs' reasonable expenses caused by Cox's failure to comply with the Court's order; and (6) such other relief as the Court deems appropriate.

For the reasons set forth in the accompanying Memorandum in Support, the Court should grant the motion.

LOCAL RULE 37(E) MEET AND CONFER STATEMENT

Counsel for Plaintiffs sent letters or emails to Cox regarding its non-compliance with the Court's February 15, 2019 Order on countless occasions as detailed in the accompanying

memorandum of law, and also conferred by telephone on February 19 regarding this and other issues. Plaintiffs also attempted to speak by phone with Cox's counsel numerous additional times in the days leading up to this filing but Cox's counsel declined to speak, preferring instead to proceed by email. Despite Plaintiffs' efforts, they have been unable to resolve this issue and therefore the Court's assistance is required.

Respectfully submitted,

Dated: March 29, 2019

/s/ Scott A. Zebrak

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